AMO REPORTS 82-19

RESPONSE TO RESIDENTIAL RENOVATION - PROPOSED PART XI OF THE BUILDING CODE

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO
SEPTEMBER 1982

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Association of Municipalities of Ontario, a non-partisan voluntary organization, is united to promote the values of the municipal government system and the status of the municipal level of government as a vital and essential component of the total intergovernmental framework of Ontario and Canada.

The Association acts as the collective voice of Ontario's municipal governments and is organized to accomplish through cooperation and coordination, what the majority have neither the time nor the resources to do individually.

The Association represents some six hundred (600) municipal governments throughout Ontario. The governing body is composed of some eighty (80) municipal elected and appointed officials, who in turn represent a wide-range of municipal government interest.

The following sections and affiliated municipal professional associations form an important part of the Association's structure and therefore, play an important part in its activities in terms of the Board of Directors, program and policy development:

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* County and Regional Section
* Large Urban Section
* Northern Ontario Section (FONOM/NOMA)
* Rural (ROMA) Section
* Organization of Small Urban Municipalities Section

Association Affiliates:

* Association of Municipal Clerks and Treasurers of Ontario
* Association of Municipal Tax Collectors of Ontario
* Municipal Engineers Association
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* Ontario Municipal Personnel Association
* Ontario Municipal Social Services Association
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RESIDENTIAL RENOVATION

PROPOSED PART XI OF THE BUILDING CODE

1. INTRODUCTION

The Association of Municipalities of Ontario wishes to congratulate the representatives of the Ministries of Consumer and Commercial Relations, Municipal Affairs and Housing and the Solicitor General for their efforts in producing the proposed Part XI of the Building Code. The proposals are a tremendous step forward in the area of residential renovation.

The Association was pleased to participate in the development of the proposed Part XI of the Building Code and prior to its enactment looks forward to further involvement to review the comments received by the Interministry Committee.

Although the Association endorses the principles as set out in the proposed Part XI, a number of concerns exist and in some areas, further study may be warranted.

The following are comments and suggestions that the Association wishes to make at this time.

2. SECTION 11.1 - ADMINISTRATION

a) Subsection 11.1.1.1.(1) - General

AMO recommends that this part of the Code be extended to apply to renovations that are not voluntary, such as those done to meet the requirements of property standards by-laws or to cover unsafe conditions.

b) Subsection 11.1.1.1.(3) - Code for new construction

This term could be ambiguous particularly if these guidelines are to become part of the Building Code. There is only one Code, and that is the Building Code. AMO recommends that this term be replaced by "The applicable requirements of Parts I-IX of this Code".

c) Subsection 11.1.2.3 - Renovation activities covered under this part

AMO suggests that too much emphasis is placed on occupant load as a criterion for applying the provisions to Part XI. Other factors such as increase in the number of dwelling units affect life safety and should also be taken into consideration. For example, there could even be a decreased load but increased hazard if an extra kitchen were built.

d) Subsection 11.1.2.4.(2) - Part 3 "Where warranted"

AMO is concerned that the use of such terms as "where warranted" and "impractical to comply with" gives the Chief Official too much discretion as to whether the compliance alternatives will be permitted in any building coming within the scope of part 3 of the Code. This could lead to serious non-uniform application from municipality to municipality or even between inspectors within the same municipality. However, AMO appreciates that in buildings of this nature, the approach whereby a proponent must justify its proposals to the Chief Official may be warranted. Therefore, AMO recommends that this subsection remain as it is for now, but points out that it should be reviewed after implementation.

e) Subsections 11.1.2.4.(2) and 11.1.2.4.(3) - Time for response

AMO is concerned that the requirement for the Chief Official to respond to a proposal within thirty (30) days may not be sufficient. This could be a disincentive for Chief Officials to accept compliance alternatives. AMO recommends that in the

event the Chief Official is unable to respond within thirty (30) days, prior to this deadline he shall enter into discussion with the applicant to reach a mutually agreeable extension date.

f) Subsection 11.1.2.4.(4) - Right of appeal

With respect to an applicant's right of appeal, the Building Code Commission deals with compliance equivalency. AMO questions whether this procedure will be applicable for questions regarding compliance alternatives. Consideration should be given to having appeals heard at Regional Offices of the Ministry of Consumer and Commercial Relations.

AMO recommends that the entire subsection 11.1.2 undergo further study.

g) Subsection 11.1.3 - Permit application

AMO recommends that the appropriate sections of part 2 of the Building Code be amended to incorporate 11.1.3.1(b) where an application for a building permit is made pursuant to Part XI.

3. SECTION 11.2 - IMPLEMENTATION

a) Subsection 11.2.2.1.(1)(a) - Compliance

AMO requests further clarification of this subsection.

b) Subsection 11.2.2.1(2) - Separation of exits

AMO suggests that specifying minimum fire separations for exits and dwelling units may lead to conflict with the compliance alternatives contained in 11.3(A) and (B), and are out of place in this subsection.

c) Subsection 11.2.2.1(3) - Compliance not required

AMO is concerned that the area of a building on which work is not being done is not lost sight of. Because of work done in one portion of a building the remaining portion may have to be considered. For example, an occupant load increase in one area may warrant an examination of exits, means egress or exit way.

AMO recommends that this subsection be amended to read:

> "Other parts of the Building Code that are not under renovation or on which the area to be renovated is not dependent, and are not directly affected by the renovation work shall not be subject to the Code and shall not be required to be changed or altered."

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